

### **Remarks**

Claims 1-35 are pending in the application.

### **Claim rejections under 35 USC § 103**

(a) Claims 1-22 were rejected under 35 USC § 103(a) as being unpatentable over Ando et al. (US 5,064,599) in view of Rock et al. (US 6,194,332.)

As stated in the Action, Ando discloses imparting antimicrobial properties to conjugated fibers. Conjugated fibers are formed, as described in Ando, by spinning processes which crimp two or more fibers mechanically about one other. Such processes are used to form yarns and the like. After spinning, Ando teaches heating the mechanically crimped, conjugated fibers in an attempt to spread the low melting component more evenly. Independent claims 1 and 12 have been amended to reflect that fibers in accordance with the present invention are comprised of "co-extruded" components. Fibers produced by Applicant's co-extrusion process have a stronger adherence between the core and sheath, and permits more uniform control over the sheath thickness relative to the additive particle size, which allows reduction of the amount of additive required to impart anti-microbial properties to the fiber.

Applicant also respectfully notes that the range recited by Ando in claim 4 and in the specification is expressed in terms of "area", rather than *weight* as recited in claims 1 and 12.

Thus, the fibers recited in claims 1 and 12, as amended, are neither taught nor suggested by Ando or by Rock, which is cited for disclosing an anti-microbial enhanced knit fabric, but which is devoid of any disclosure of the relative thicknesses, weights or bonding between a core and sheath fiber structure. Claims 2-11 and 13-22 depend from amended claims 1 and 12, respectively, and therefore included the patentable limitations of claims 1 and 12 and are similarly patentable over the prior art.

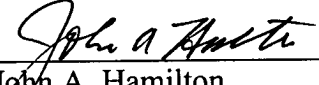
(b) Claims 23-35 were rejected under 35 USC § 103(a) as being unpatentable over Emi et al. (US 4,784,909) in view of Rock. Claims 23-35 have been canceled, obviating this ground for rejection.



In light of the foregoing, Applicant respectfully requests reconsideration and withdrawal of any and grounds for rejection of the claims, and submits that claims 1-22 are now in a condition for allowance. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, please call Applicant's attorney at 617-854-4000.

Dated: October 13, 2005

Respectfully submitted,  
STEPHEN W. FOSS, Applicant

By:   
John A. Hamilton  
Reg. No. 48,946  
Attorney for Applicant